

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GILBERTO LOPEZ RODRIGUEZ,
Petitioner,

No. C 11-4858 SI (pr)

ORDER OF TRANSFER

v.


ERIC HOLDER, Attorney General,
Respondent.

Gilberto Lopez Rodriguez has filed a habeas petition under 28 U.S.C. § 2241 to challenge the legality of his custody by the U.S. Immigration and Customs Enforcement (“ICE”), pending his removal from the United States. He is incarcerated at Pinal County Adult Detention Center in Florence, Arizona.

The district of confinement is the proper venue for a petition for a writ of habeas corpus under 28 U.S.C. § 2241. *See Rumsfeld v. Padilla*, 542 U.S. 426, 447 (2004); *Chatman-Bey v. Thornburgh*, 864 F.2d 804, 813 (D.C. Cir. 1988); *McCoy v. United States Bd. of Parole*, 537 F.2d 962, 966 (8th Cir. 1976). Here, petitioner is in custody in the District of Arizona. The District of Arizona is the proper venue for his § 2241 petition, and the Northern District of California is not the proper venue. Accordingly, in the interest of justice, this case is TRANSFERRED to the United States District Court for the District of Arizona. See 28 U.S.C. § 1406(a). The clerk shall transfer this matter.

IT IS SO ORDERED.

DATED: October 25, 2011



SUSAN ILLSTON
United States District Judge